

Invitation to Comment



Resource Conservation and Recovery Act Phase II Rulemaking

DEQ invites public input on proposed permanent rule amendments to chapter 340 of the Oregon Administrative Rules.

DEQ proposal

The primary purpose of the rule revision is to incorporate federal requirements into the state's rules. DEQ is authorized by the Environmental Protection Agency (EPA) to implement the federal hazardous waste rules in Oregon. To ensure consistency, DEQ must periodically update the rules by adopting new federal requirements. These changes provide consistency with the federal hazardous waste rules.

DEQ plans to make changes to the State's hazardous waste regulations Chapter OAR 340 to incorporate new federal hazardous waste rules to include:

- A new rule simplifying waste management at university and college laboratories
- Conditional exclusions for solvent-contaminated wipes
- EPA's withdrawal of comparable fuels rule
- Incorporate federal corrections to hazardous waste regulations

Who does this affect?

Parties affected by this proposal include those currently regulated for hazardous waste management. The rules do not add any additional businesses to be regulated.

More information

Information about this rulemaking is on this rulemaking's web page:

[Hazardous waste rulemaking web page](#)

Public Hearing

DEQ will hold the following public hearing on this rulemaking:

- 3:00 pm to 6:00 pm, Thursday, Dec. 15, 2016
- 700 NE Multnomah Street, Portland, OR 97232, 3rd Floor Conference Room
- Conference Call-in Phone Number: (888) 363-4734
- Conference Call Participant ID: 1910322

What will happen next?

DEQ will include a written response to comments in a staff report DEQ will submit to the Environmental Quality Commission. DEQ may modify the rule proposal based on the comments.

Present proposal to the EQC

Proposed rules only become effective if the Environmental Quality Commission adopts them. DEQ plans to present the proposed rules to the commission for a decision at its meeting in March 2017.

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking.

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by 4 p.m., Friday, Dec. 23, 2016.

Submit comment online

[Hazardous waste rulemaking comment web page](#)

Note for public university students:

ORS 192.501(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student you may omit your email address when you complete the online form to submit a comment.

By mail

Oregon DEQ
Attn: Jeannette Acomb
700 NE Multnomah Street, Suite 600
Portland, OR 97232

At hearing

Thursday, December 15, 2016 at 3:00 pm to 6:00 pm
700 NE Multnomah Street, 3rd Floor Conference Room
Portland, OR 97232

Sign up for rulemaking notices

Get email updates about this rulemaking by signing up through:

[Hazardous waste rulemaking GovDelivery sign-up](#)

Or on the rulemaking web site:

[Hazardous waste rulemaking web page](#)

Accessibility information

You may review copies of all documents referenced in this announcement at:

Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232

To schedule a review of all websites and documents referenced in this announcement, call Jeannette Acomb, Portland, at 503-229-6303 (800-452-4011, ext. 6303 toll-free in Oregon).

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ, Portland, at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011, ext. 5696; fax to 503-229-6977; or email to deqinfo@deq.state.or.us. Hearing impaired persons may call 711.



Oregon Department of Environmental Quality
November 15, 2016
Notice of Proposed Rulemaking

Hazardous Waste Phase II Rulemaking

Overview

Short summary

The primary purpose of the rule revision is to incorporate federal requirements into the state's rules. DEQ is authorized by the Environmental Protection Agency (EPA) to implement the federal hazardous waste rules in Oregon. To ensure consistency, DEQ must periodically update the rules by adopting new federal requirements. These changes provide consistency with the federal hazardous waste rules.

DEQ plans to make changes to the State's hazardous waste regulations Chapter OAR 340 to incorporate new federal hazardous waste rules to include:

- A new rule simplifying waste management at university and college laboratories
- Conditional exclusions for solvent-contaminated wipes
- EPA's withdrawal of comparable fuels rule
- Incorporate federal corrections to hazardous waste regulations

Brief history

The U.S. Environmental Protection Agency authorizes DEQ to operate the federal Resource Conservation and Recovery Act hazardous waste program in Oregon. Oregon must periodically review and adopt new or amended federal regulations to retain federal authorization. DEQ last updated its rules in April 2015. In that rulemaking, DEQ incorporated by reference most federal regulations enacted through June 30, 2014.

Summary of changes

The following proposed rules incorporate state amended versions of federal regulations for the first time:

Proposed Rules Description (40 CFR)			
#	Federal regulation - summary	Differences in proposed state rule	OAR 340
1	<p><i>Conditional Exclusions from Solid Waste and Hazardous Waste for Solvent-Contaminated Wipes</i> 40 CFR Parts 260 and 261, 78 FR 46447 (7/31/2013)</p> <p>Rule revises the definition of solid waste to conditionally exclude solvent contaminated wipes that are cleaned and reused and to conditionally exclude solvent-contaminated wipes that are disposed.</p>	<p>1) Proposed state rule allows equivalent labeling as an alternate to the federal labeling requirements. The federal rule requires containers be labeled ‘Excluded Solvent-Contaminated Wipes,’ and the state rule adds “or labeled with equivalent wording describing the contents of the container and recognizing the exclusion.”</p> <p>2) Requires discarded wipes be disposed of as solid waste at hazardous waste permitted treatment, storage, and disposal facilities or hazardous waste incinerators only, which federal rule does not require. This change addresses expressed concerns about management of disposable wipes, and aligns with neighboring state regulations. <i>Note: Disposal in Subtitle D landfills would require rule changes that were outside the scope of this rulemaking.</i> <i>Note: Proposed rule does not preclude disposal as hazardous waste at a treatment, storage, and disposal or TSD facility.</i></p>	<p>-100-0002(1) -101-0004(3) -101-0004(4) -101-0004(5)</p>

#	Federal regulation - summary	Differences in proposed state rule	OAR 340
2, 3	<p><i>Academic Laboratories Generator Standards</i> 40 CFR Parts 261 and 262, 73 FR 72911 (12/1/2008), and <i>Academic Labs Generator Standards Technical Corrections</i> 40 CFR Parts 262, 75 FR 79304 (12/20/2010)</p> <p>Rule provides flexible option for colleges, universities, and other eligible academic entities formally affiliated with a college or university to manage their hazardous wastes in accordance with the new alternative and protective management standard.</p>	<p>1) Proposed state rule requires affixing labeling to laboratory waste accumulation containers. The federal rule only requires accumulation information be “associated” with the container such as a spreadsheet.</p> <p>2) Requires eligible labs who notify DEQ of their participation in the program to submit their completed Laboratory Management Plan(s) at time of notification. The federal rule does not have this requirement, and requires entities to make the plan ‘available’ to lab workers, students, and any others at the eligible academic entity who request it such as a web posting.</p> <p>3) Requires conditionally exempt generators who notify DEQ of their participation in the program to obtain an EPA/state identification number if they do not already have one.</p> <p>4) Requires annual reporting. The federal rules do not have these requirements.</p>	<p>-100-0002(1) -102-0200(1-4)</p>

4	<p><i>Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities; Post-Closure Permit Requirement; Closure Process 40 CFR Parts 264, 265, 270 and 271, 63 FR 56710 (10/22/1998)</i></p> <p>Rule modifies post-closure permits to allow use of a variety of authorities to impose requirements on non-permitted land disposal units, amends closure of land-based units with released hazardous constituents to allow certain units be addressed through the corrective action program, and specifies Part B information submission requirements for post-closure permits.</p>	<p>1) Proposed state rule expressly adopts only the permit Part B information submission requirements for facilities obtaining or renewing post-closure permits. The program determined only part B (40 CFR Parts 270.14(a) and 270.28) amendments applied to current work while the rest of the rule does not apply to the program and would not be adopted at this time.</p>	-100-0002(2)
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The following proposed rules incorporate federal regulations for the first time without state amendment:

#	Federal regulation	Federal rule summary	OAR 340
5	<p><i>Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities 40 CFR Parts 257 and 261, 80 FR 21301 (4/17/2015)</i></p>	<p>Rule allows disposal of coal combustion residuals (CCR) as solid waste under subtitle D of the Resource Conservation and Recovery Act by establishing minimum criteria for existing and new CCR landfills, CCR surface impoundments, all lateral expansions for consistent location restrictions, design/operating criteria, groundwater monitoring, corrective action, closure requirements, post-closure care, recordkeeping, notification, and internet posting requirements. <i>Note: CCR includes fly ash, bottom ash, boiler slag, and flue gas desulfurization materials. Oregon currently has one site that may be impacted by this rule if its scheduled closure is delayed.</i></p>	-100-0002(1)

#	Federal regulation	Federal rule summary	OAR 340
6	<p><i>Amendments to Streamline the National Pollutant Discharge Elimination System Program Regulations: Round Two, 40 CFR Parts 270 and 271, 65 FR 30886 (5/15/2000)</i></p> <p><i>Note: An EPA-only rule and not applicable to state programs.</i></p>	<p>Rule revision further streamlines NPDES, Resource Conservation and Recovery Act, Prevention of Significant Deterioration, Underground Injection Control permitting procedures, and CWA 301 variance request procedures by eliminating redundant regulatory language, providing clarification, and removing unnecessary procedures that do not provide any environmental benefits as part of the Presidential directive of February 21, 1995.</p>	-100-0002(1)

7,8	<i>Vacatur of Comparable Fuels Rule and Gasification Rule 40 CFR Parts 260 and 261, 80 FR 18777 (4/8/2015) and Withdraw: Emission-Comparable Fuel Exclusion 40 CFR Parts 261, 75 FR 33712 (6/15/2010)</i>	Rule withdraws conditional exclusions for comparable fuels and gasification from the list of specific petroleum refining processes into which oil-bearing hazardous secondary materials may be inserted by making these previously excluded materials subject to regulation under the Resource Conservation and Recovery Act. These revisions implement vacaturs ordered by the United States Court of Appeals for the District of Columbia Circuit; NRDC and Sierra Club v. EPA, No. 98-1739 (D.C. Cir. June 27, 2014).	-100-0002(1)
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DEQ considered the following federal regulations for state adoption, and is choosing not to propose adoption at this time to allow further considerations for human health and the environment:

#	Federal regulation, summary	Reason for postponement	OAR 340
9	<i>Definition of Solid Waste 40 CFR Parts 260 and 261, 80 FR 1694 (1/13/2015)</i> Rule revises specific recycling provisions to ensure hazardous secondary materials recycling regulations encourage reclamation in a way that does not result in increased risk to human health and the environment from discarding.	Rule is unique in allowing eligible materials formerly regulated as hazardous waste to become non-solid waste if reclaimed or recycled. While Oregon actively encourages reuse, reclaim and recycling recognizing the need and benefits in resource conservation, reduced greenhouse gas and costs for businesses, DEQ wants to ensure environmental protective measures are in place as recommended by the hazardous waste rules advisory committee. DEQ wants to take additional time to take the advisory committee input and develop protective measures before adopting this rule.	-
10	<i>Conditional Exclusion for CO2 Streams in Geologic Sequestration 40 CFR Parts 260, 261 and 9, 79 FR 350 (1/3/2014)</i>	Oregon law currently prohibits adopting this rule by not allowing Class VI underground injection wells or injecting hazardous waste into the ground under the water quality regulations. DEQ would need to consider amending current law if the long term benefits of geological sequestration benefits Oregon.	-

Regulated parties

Most of the proposed rules increase regulatory flexibility by providing alternate management standards, and add exemptions to current hazardous waste regulations. The proposed rules do not add any new businesses to be regulated for hazardous waste.

Request for other options

During the public comment period, DEQ requests public comment on other available options that would achieve the rules' substantive goals while reducing the rules' negative economic impact on business.

Statement of need ORS 183.335(b)(C)

What need would the proposed rule address?

DEQ last updated the Resource Conservation and Recovery Act program rules in 2015. The EPA has enacted new and amended regulations since then. DEQ rules are no longer consistent with the federal rules. Federal law requires a state to adopt the current federal rules to retain federal authorization to operate the state's hazardous waste program.

How would the proposed rule address the need?

Adopting the relevant federal regulations will align the state with the current federal regulations, and allow Oregon to seek continued federal authorization for the state's program.

How will DEQ know the rule addressed the need?

The rules will have addressed the need when the EPA authorizes Oregon to continue operating the state's program. The rules will help Oregon to further protect the environment from the mismanagement of hazardous wastes.

Rules affected, authorities, supporting documents ORS 183.335(2)(b)

Lead division

Hazardous Waste Program

Program or activity

State Implementation Plan

Chapter 340 action

Adopt	OAR 340-102-0200
Amend	OAR 340-100-0002 OAR 340-101-0004

Statutory authority

ORS 183, 192, 459, 465.009, 465.505, 466.015, 466.020, 466.075, 466.090, 466.105, 466.165, 466.180, 466.195, 468, 646

Statute implemented

ORS 465.003, 465.009, 465.505, 466.005, 466.015, 466.075, 466.105, 466.195

Fee Analysis

This rulemaking does not involve fees.

Statement of fiscal and economic impact

Fiscal and Economic Impact

Solvent-contaminated wipes rule

DEQ determined some negative impacts for the reuse portion of the proposed rule due to additional training, labeling, container management, time limits and loss of DEQ's current 1997 *Contaminated Wipes Destined for Laundering* policy. The 1997 Wipes policy exempted businesses from making hazardous waste determinations on laundered wipes. The policy is broader in scope by allowing wipes contaminated with metals and other solvents than what is allowed under this rule. DEQ is required to rescind the 1997 wipes policy or adopt it into state regulations. Since the policy is less stringent, adopting the policy is not an option and DEQ must remove the policy.

All other proposed rules to adopt

DEQ anticipates adopting the new federal standards will cause no significant fiscal or economic impacts because the fiscal and economic impacts occurred when the EPA adopted the rules. The EPA evaluated the fiscal and economic effects of its rules and confirmed there are no significant economic or fiscal impacts to each proposed rule.

Assumptions

DEQ assumes optional and less stringent regulations will have no negative impact on regulated facilities. DEQ also assumes the fiscal and economic impacts identified in federal rulemaking are accurate and apply to Oregon facilities in the same way as the federal rulemaking determined.

Statement of Cost of Compliance

State and federal agencies

Oregon DEQ

DEQ anticipates adopting the proposed rules will cause minor economic impacts on its own revenues and expenses. Any rule change requires agency staff training and outreach to the regulated community. DEQ expects this impact to be minor as DEQ currently performs outreach through the hazardous waste technical assistance program to regulated facilities.

The proposed rule may result in an indeterminable decrease in revenue for the hazardous waste program. Since some businesses may lower their hazardous waste generator category, generators may pay less fees for hazardous waste disposal, and DEQ may receive less fees from permitted facilities.

Local governments

The cost to comply with the proposed rules is identical to costs describe under small businesses.

Public

DEQ anticipates there will be no fiscal or economic impacts to the general public.

Large businesses - businesses with more than 50 employees

Solvent-contaminated wipes rule

Due to EPA's requirement for authorized state programs to remove any existing reuse wipe guidance documents or interpretive letters — such as DEQ's long-standing 1997 *Contaminated Wipes Destined for Laundering* policy — the proposed rule adoption will result in some negative fiscal and economic

impacts for the reuse portion of the rule as the policy is removed. Some wipes formally excluded by the DEQ reuse policy will now have to be managed as hazardous waste, resulting in additional disposal costs if not eligible under this rule or another exclusion. DEQ cannot quantify the actual costs to small businesses at this time, since those businesses formerly managing their reusable wipes under the wipes policy did not have to notify DEQ.

The cost to comply with the other proposed rules is identical to costs described under small businesses.

Small businesses – businesses with 50 or fewer employees

DEQ anticipates there will be no fiscal or economic impacts as a result of adopting the new federal standards. The Regulatory Flexibility Act requires EPA to conduct economic assessments for small businesses prior to each rule adoption. EPA determined none of the proposed rules would have significant economic impacts on small businesses.

Solvent-contaminated wipes rule

There are no adverse impacts for small businesses since most are unregulated and can already co-mingle wipes with other wastes.

Academic laboratories rule

The optional rule may result in overall cost savings for eligible labs by managing hazardous wastes under an alternative and equivalent management standard by reducing transportation costs, further protecting students and staff, and allowing yearly cleanouts. An eligible lab will need to consider the cost benefit of choosing this option.

All other proposed rules to adopt

Oregon currently has one site that may potentially be impacted by this rule if its scheduled closure is delayed.

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to the proposed rules.

Solvent-contaminated wipes rule

DEQ reviewed its current list of small and large quantity generators and found this rule may potentially affect approximately 500 listed active generators. In addition, using recent Oregon Department of Employment data, DEQ found an estimated 2,036 potentially unregulated businesses with less than 50 employees that may generate solvent-contaminated wipes in Oregon. These are listed under 47 sub-sectors of the North American Industry Classification System codes that include: 290 printers, 29 business copy shops, 15 chemical and allied products, 58 plastic and rubber, 81 fabricated metal production, 202 industry machinery and equipment, 317 furniture and fixtures, 28 electric and computers, 51 transportation equipment, and 965 auto repair shops. EPA estimated the affected handling facilities in Oregon include 14 commercial laundries.

Academic laboratories rule

Using recent Oregon employment data, DEQ found 861 eligible NAICS-coded laboratories with 860 of them having less than 50 employees in Oregon that could choose this proposed rule's alternate standard. Those include: 36 research and develop humanities, 463 veterinary services, 8 junior colleges, 95 colleges, university, professional, 74 other technical, trade, 176 fine arts school, 7 general medical and surgical, and 2 psychiatric & substance abuse entities.

All other proposed rules to adopt

Post-closure: The four current hazardous waste permitted facilities have more than 50 employees. DEQ does not anticipate any new applications, since it received its last application over twelve years ago.

Coal: Oregon has one active coal-fired power plant that employs 26 employees. The plant anticipates closing in the next year or so and may be subject to this rule if closure is delayed.

NPDES: The rule is purely technical administrative changes and will have no effect on compliance costs for permittees. Rule is an EPA only rule and not applicable to State programs.

Comparable Fuel: Oregon currently has no operating facilities identified by EPA or DEQ. An operating facility is required to notify DEQ to take the exclusion.

b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

Solvent-contaminated wipes rule

This rule will likely present no additional requirements because most small businesses are Conditionally Exempt Generators with limited hazardous waste management requirements. However in losing DEQ's long-standing wipe policy, reusable wipes formerly excluded and if not eligible under another exclusion will need to be disposed. DEQ's amendment to the proposed rule will require non-excluded wipes be disposed as solid waste in permitted subtitle C hazardous waste disposal facilities or hazardous waste incinerators. This will result in increased disposal costs from EPA's wipes rule, but at a lower cost than if they had to be disposed of as hazardous waste. EPA's rule allows wipes to go to a municipal landfill, however, DEQ is amending to address expressed concerns about management of disposable wipes, and to align with neighboring state regulations. As similarly mentioned above for large businesses, DEQ cannot quantify the actual costs to small businesses at this time, since those businesses formerly managing their reusable wipes under the wipes policy did not have to notify DEQ.

Academic laboratories rule

DEQ cannot quantify costs associated with lab plan development, additional reporting, training and administrative costs as it depends on the size of facility, number of staff with students, and complexity of research conducted at the lab. As the rule is optional, eligible labs will need to determine their cost/benefit analysis.

All other proposed rules to adopt

Post-closure: The rule will likely result in cost savings for the four permitted facilities by the reduced permit application requirement for permit renewals.

Coal: Oregon identified one coal-fired power plant facility which may be subject to this rule if the anticipated closure is delayed.

All others: Adoption will not impose new requirements.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

Solvent-contaminated wipes rule

DEQ anticipates the rule will present no additional requirements to those stated in section b above.

Academic laboratories rule

Eligible labs choosing to opt-in could see a reduction in hazardous waste administrative costs by consolidating wastes, not having to count yearly cleanout materials toward their hazardous waste generator category, and seeing reduced transportation costs. These identified costs may outweigh the potential increased costs for management, training, and development of the lab plan. Eligible labs will need to determine their cost/benefit analysis.

All other proposed rules to adopt

These rules impose no new requirements and do not add any new hazardous waste regulated businesses.

d. Describe how DEQ involved small businesses in developing this proposed rule.

DEQ included small business representatives and delegates from the Associated Oregon Industries who represent small businesses in Oregon on the Hazardous Waste Rulemaking Advisory Committee. The committee received advance drafts of each rule’s fiscal impact statement and advised DEQ on the cost of compliance for small businesses during the three advisory committee meetings.

Documents relied on for fiscal and economic impact

Document title	Document location
Federal Regulatory Impact Analysis	EPA 2013 RIA for Solvent-Contaminated Wipes EPA 2008 Economic Analysis for Academic Laboratories EPA 2006 Economic Analysis for Academic Laboratories EPA 1998 RIA for final Post-closure Rule EPA 2015 Regulatory Impact Analysis for Coal Combustion Residuals EPA 2015 RIA for Coal Combustion Residual Appendices EPA 1998 Economic Analysis for Comparable Fuel Exclusion EPA 2015 Comparable Fuel Facilities List
Oregon Department of Employment 1 st quarter 2016 data	Employment Department 875 Union Street NE Salem OR 97311

Advisory committee

The Hazardous Waste Rulemaking Advisory Committee was convened to inform this rulemaking. The nine member committee held three meetings in 2016, February, March and April, to provide input about the draft rules and fiscal impacts. Committee members reviewed the draft fiscal and economic impact statements for each proposed rule prior to the committee meetings. During the committee meetings, at the end of each rule presentation, DEQ asked the committee to consider the proposed rule’s fiscal impacts as OAR 183.333 requires, by asking:

- a. Will the rule have a fiscal impact?
- b. If so, what is the extent of the fiscal impact?
- c. Will the rule have a significant adverse impact on small businesses (<50 employees)?
- d. If so, how can DEQ reduce the economic impact of the rule on small businesses?

The committee's fiscal impact responses are documented in the approved meeting notes of February 3, 2016, March 1, 2016, and April 5, 2016, posted to DEQ's Hazardous Waste Phase II 2016 Rulemaking [Advisory Committee Webpage](#).

The committee determined that although some of the proposed rules will have potential impacts, the proposed rules as a whole would not have significant adverse impact on small businesses in Oregon. Below are the advisory committee's summarized fiscal impact determinations for each of the proposed rules to adopt, as approved in the April 5, 2016 meeting notes:

Wipes rule:

Reuse - Committee determined some negative impacts for the reuse portion of the rule due to additional training, labeling, time limits, container management and loss of DEQ's current Contaminated Wipes Destined for Laundering policy. Some wipes formally excluded by policy will now have to be managed as hazardous waste and result in additional disposal costs if not eligible under another exclusion. No adverse impacts for small businesses since most are unregulated and can already co-mingle wipes with other wastes.

Disposal - Committee determined positive fiscal impacts for the disposal portion of the rule and no adverse impacts for small businesses.

Lab rules:

Committee identified no adverse fiscal impacts in adoption, as it is optional. The possible negative impacts, cost of training, administrative burden, could be outweighed by benefits of accumulation time and operational flexibility. Savings will differ for eligible labs due to size, staffing and complexity of research.

Post-closure rule:

Committee identified no adverse fiscal impacts in adoption.

Coal rule:

Committee identified no adverse fiscal impacts in adoption.

NPDES rule:

Committee identified no adverse fiscal impacts in adoption.

Fuel rules:

Committee identified no adverse fiscal impacts in adoption.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel. DEQ determined the proposed rules would have no effect on the development costs because the proposed rules only affect regulated businesses under the hazardous waste regulations.

Federal relationship

Relationship to federal requirements

ORS 183.332, 468A.327 and OAR 340-011-0029 require DEQ to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so.

These proposed rules would adopt federal requirements:

<p>Technical Correction to the Standards Applicable to Generators of Hazardous Waste; Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities Formally Affiliated with Colleges and Universities DECEMBER 20, 2010, 40 CFR Parts 262, 75 FR 79304 (CL 226)</p>
<p>EPA SUMMARY: EPA is taking direct final action for six technical corrections to an alternative set of hazardous waste generator requirements known as the “Academic Laboratories rule” or “Subpart K” which is applicable to laboratories owned by eligible academic entities. These changes correct errors published in the Academic Laboratories Final rule, including omissions and redundancies, as well as the removal of an obsolete reference to the National Environmental Performance Track program, which has been terminated. These technical corrections will improve the clarity of the Academic Laboratories rule.</p> <p>Differences in the draft state rule: No differences in the state rule. This federal rule is incorporated by reference at OAR 340-100-0002.</p>
<p>Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities; Post-Closure Permit Requirement; Closure Process October 22, 1998, 40 CFR Parts 264, 265, 270, and 271, 63 FR 56710 (CL 174)</p>
<p>EPA SUMMARY: The Environmental Protection Agency is amending the regulations under the Resource Conservation and Recovery Act in two areas. First, the Agency is modifying the requirement for a post closure permit, to allow EPA and the authorized States to use a variety of authorities to impose requirements on non-permitted land disposal units requiring post-closure care. As a result of this rule, regulators have the flexibility to use alternate mechanisms under a variety of authorities to address these requirements, based on the particular needs at the facility. Second, for all facilities, the Agency is amending the regulations governing closure of land-based units that have released hazardous constituents, to allow certain units to be addressed through the corrective action program. As a result of this rule, EPA and the authorized States will have discretion to use corrective action requirements, rather than closure requirements, to address the regulated units. This flexibility will reduce the potential for confusion and inefficiency created by the application of two different regulatory requirements. Finally, the Agency is specifying the Part B information submission requirements for facilities that receive post-closure permits.</p> <p>Differences in the draft state rule: The state rule expressly adopts by reference only the permit Part B information submission requirements for facilities obtaining or renewing post-closure permits. The remainder of the rule will not be adopted at this time.</p>
<p>Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities April 17, 2015, 40 CFR Parts 257 and 261, 80 FR 21301 (CL 235)</p>

EPA SUMMARY: The Environmental Protection Agency is publishing a final rule to regulate the disposal of coal combustion residuals as solid waste under subtitle D of the Resource Conservation and Recovery Act. The available information demonstrates that the risks posed to human health and the environment by certain CCR management units warrant regulatory controls. EPA is finalizing national minimum criteria for existing and new CCR landfills and existing and new CCR surface impoundments and all lateral expansions consisting of location restrictions, design and operating criteria, groundwater monitoring and corrective action, closure requirements and post closure care, and recordkeeping, notification, and internet posting requirements. The rule requires any existing unlined CCR surface impoundment that is contaminating groundwater above a regulated constituent's groundwater protection standard to stop receiving CCR and either retrofit or close, except in limited circumstances. It also requires the closure of any CCR landfill or CCR surface impoundment that cannot meet the applicable performance criteria for location restrictions or structural integrity. Finally, those CCR surface impoundments that do not receive CCR after the effective date of the rule, but still contain water and CCR will be subject to all applicable regulatory requirements, unless the owner or operator of the facility dewater and installs a final cover system on these inactive units no later than three years from publication of the rule. EPA is deferring its final decision on the Beville Regulatory Determination because of regulatory and technical uncertainties that cannot be resolved at this time.

Differences in the draft state rule: No differences in the state rule. This federal rule is incorporated by reference at OAR 340-100-0002.

Amendments to Streamline the National Pollutant Discharge Elimination System Program Regulations: Round Two
May 15, 2000 40 CFR Parts 270 and 271, 65 FR 30886 (CL 186)

EPA SUMMARY: The Environmental Protection Agency is today revising the National Pollutant Discharge Elimination System regulations. This revision is part of an Agency-wide effort to respond to a directive issued by the President on February 21, 1995, which directed Federal agencies to review their regulatory programs to eliminate any obsolete, ineffective, or unduly burdensome regulations. In response to that directive, EPA initiated a detailed review of its regulations to determine which provisions were obsolete, duplicative, or unduly burdensome. On June 29, 1995, EPA issued a rule (60 FR 33926) which removed some regulatory provisions in the Office of Water program regulations, including certain NPDES provisions, that were clearly obsolete. Today's revision is intended to further streamline NPDES, Resource Conservation and Recovery Act, Prevention of Significant Deterioration, and Underground Injection Control permitting procedures, and CWA 301(h) variance request procedures, by revising requirements to eliminate redundant regulatory language, provide clarification, and remove or streamline unnecessary procedures that do not provide any environmental benefits. Conforming changes to other requirements are also made in today's rule. This is an EPA-only rule and not applicable to state programs.

Differences in the draft state rule: No differences in the state rule. This federal rule is incorporated by reference at OAR 340-100-0002.

Response to Vacatur of the Comparable Fuels Rule and the Gasification Rule
April 8, 2015, 40 CFR Parts 260 and 261, 80 FR 18777 (CL 230)

EPA SUMMARY: The Environmental Protection Agency is revising regulations associated with the comparable fuels exclusion and the gasification exclusion, originally issued by EPA under the Resource Conservation and Recovery Act. These revisions implement vacatur orders by the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit), on June 27, 2014.

Differences in the draft state rule: No differences in the state rule. This federal rule is incorporated by reference at OAR 340-100-0002.

Withdrawal of the Emission-Comparable Fuel Exclusion Under RCRA
June 15, 2010, 40 CFR Parts 261, 75 FR 33712 (CL 224)

EPA SUMMARY: This final action withdraws the conditional exclusion from regulations promulgated on December 19, 2008, under subtitle C of the Resource Conservation and Recovery Act for so-called Emission Comparable Fuel. These are fuels produced from hazardous secondary materials which, when burned in industrial boilers under specified conditions, generate emissions that are comparable to emissions from burning fuel oil in those boilers. EPA is withdrawing this conditional exclusion because the Agency has concluded that ECF is more appropriately classified as a discarded material and regulated as a hazardous waste. The exclusions for comparable fuel and synthesis gas fuel are not addressed or otherwise affected by this final rule.

Differences in the draft state rule: No differences in the state rule. This federal rule is incorporated by reference at OAR 340-100-0002.

These proposed rules add requirements additional to those in federal requirements.

Federal rule title, date, Federal Register (FR) Notice page number, and EPA summary	Reason for amendment
<p>Conditional Exclusions From Solid Waste and Hazardous Waste for Solvent-Contaminated Wipes July 31, 2013, 40 CFR Parts 260 and 261, 78 FR 46447 (CL 229)</p>	
<p>EPA SUMMARY: The Environmental Protection Agency is publishing a final rule that modifies its hazardous waste management regulations for solvent-contaminated wipes under the Resource Conservation and Recovery Act. Specifically, this rule revises the definition of solid waste to conditionally exclude solvent contaminated wipes that are cleaned and reused and revises the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed. The purpose of this final rule is to provide a consistent regulatory framework that is appropriate to the level of risk posed by solvent contaminated wipes in a way that maintains protection of human health and the environment, while reducing overall compliance costs for industry, many of which are small businesses.</p> <p>Differences in the draft state rule: 1) The proposed state rule allows equivalent labeling as an alternate to the federal labeling requirement. The federal rule requires containers be labeled ‘Excluded Solvent-Contaminated Wipes’, and the state rule adds, “or labeled with equivalent wording describing the contents of the container and recognizing the exclusion.” 2) The second change requires discarded wipes be disposed of as solid waste at hazardous waste permitted treatment, storage, and disposal facilities or hazardous waste incinerators only, which federal rule does not require. This change addresses expressed concerns about management of disposable wipes, and aligns with neighboring state regulations.</p>	<p>1) Increases flexibility in content identification</p> <p>2) To ensure safe disposal in Oregon, as not all municipal landfills are lined; aligns with nearby states</p>

<p>Standards Applicable to Generators of Hazardous Waste; Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities, and Other Eligible Academic Entities Formally Affiliated with Colleges and Universities December 1, 2008, 40 CFR Parts 261 and 262, 73 FR 72911 (CL 220)</p>	
<p>EPA SUMMARY: The Environmental Protection Agency is finalizing an alternate set of generator requirements applicable to laboratories owned by eligible academic entities, as defined in this final rule. The rule provides a flexible and protective set of regulations that address the specific nature of hazardous waste generation and accumulation in laboratories at colleges and universities, as well as other eligible academic entities formally affiliated with colleges and universities. This final rule is optional and colleges, universities, and other eligible academic entities formally affiliated with a college or university have the choice of managing hazardous wastes in accordance with the new alternative regulations as set forth in this final regulation or remaining subject to the existing generator regulations.</p> <p>Differences in the draft state rule: 1) The proposed state rule requires physically attaching container labels to the container. The federal rule only requires the label be “associated” with the container (for example, recorded in a computer spreadsheet). 2) The second change requires those who notify DEQ of their participation in the program to submit their completed Laboratory Management Plan at time of notification. The federal rule does not have this requirement, it requires entities make the LMP “available” to lab workers, students, and any others at the eligible academic entity who request it such as web posting or keeping a copy at each individual site. 3) The third change requires conditionally exempt generators who notify DEQ of their participation in the program to obtain an EPA/state identification number if they do not already have one, and 4) The last change requires annual reporting. The federal rule does not have these requirements.</p>	<p>1) To increase safety, content identification, and tracking of accumulation</p> <p>2) LMP submission at opt-in increases efficiency</p> <p>3) Ensures annual cleanouts do not count in generator status, and aligns reporting with all other reporters</p>

What alternatives did DEQ consider if any?

DEQ did not consider alternatives for three of the rules as Oregon must adopt them to maintain Oregon’s authorization for the hazardous waste program. Those rules include reuse portion of the wipes rule and the two comparable fuel rules.

DEQ did consider alternatives for several of the proposed rules which are documented in the advisory committee meeting notes. Input from the advisory committee meetings of February, March, and April 2016 along with additional research informed the final state amendments being proposed.

The proposed rule amendments will further protect the environment and residents of Oregon by ensuring safe management of spent wipes in landfills, and increasing lab worker safety by attaching labels to containers. The proposed amendments will also increase flexibility in labeling spent wipes, increase efficiency in submitting completed lab plans at time of opt-in notification and align all hazardous waste reporters to report annually.

During the public comment period, DEQ will request comment on whether to consider other options for achieving the rules' substantive goals.

Land use

Land-use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with state wide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
 - Resources, objectives or areas identified in the statewide planning goals, or
 - Present or future land uses identified in acknowledged comprehensive plans

To determine whether the proposed rules involve programs or actions that affect land use, DEQ reviewed its Statewide Agency Coordination plan, which describes the DEQ programs that have been determined to significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal Title

- 5 Open Spaces, Scenic and Historic Areas, and Natural Resources
- 6 Air, Water and Land Resources Quality
- 9 Ocean Resources
- 11 Public Facilities and Services
- 16 Estuarial Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or the DEQ's State Agency Coordination Program.

Stakeholder and public involvement ORS 183.333

Advisory committee

DEQ convened the Hazardous Waste Phase II 2016 Rulemaking Advisory Committee. In convening this committee, DEQ selected members to reflect the range of entities the proposed rules affect, both directly and indirectly. DEQ endeavored to include members representing statewide geographical, regulated small businesses (with fewer than 50 employees) and large businesses, environmental interests, and industry associations.

The committee's web page is located at: [Hazardous Waste Phase II Advisory Committee](#)

The committee members were:

Name	Affiliation	Representing
Michael Bernard	Boeing Portland	Large Oregon Businesses
Myron Burr	Siltronic Corporation	Oregon Associated Industries
Heath Foott	Bend Research	Pharmaceutical Manufacturing/Laboratories
Matt Hendrickson	University of Oregon	Academic Laboratories
Jim Houser	Hawthorne Auto Clinic, Inc.	Small Businesses
James Kincaid	Cable Huston LLP	Waste Management Oregon
Koreen Lail (alternate)	Siltronic Corporation	Oregon Associated Industries
Marjorie MartzEmerson	Pacific Northwest Pollution Prevention Resource Center	Environmental Advocates, Small Businesses
Audrey O'Brien	Dept. Environmental Quality	DEQ Materials Management Program
Geoffrey Tichenor	Stoel Rives LLP	Oregon Businesses

Meeting notifications

To notify people about the advisory committee's activities, DEQ:

- Sent GovDelivery bulletins, a free e-mail subscription service, on Jan. 28, 2016, Feb. 26, 2016, and Mar. 23, 2016 to the following lists:
 - Rulemaking, Hazardous Waste Permits, and Hazardous Waste Generator Annual Report for a total of 9076 subscribers to notify of the advisory committee meetings and to describe how to sign up to receive information about this rulemaking, and
 - Subscribers who signed up for the Resource Conservation and Recovery Act rulemaking notices (835).
- Added advisory committee announcements to DEQ's calendar of public meetings at [DEQ Calendar](#).

Committee discussions

In addition to the recommendations described under the Statement of Fiscal and Economic Impact section above, the committee also discussed and gave recommendations on the proposed rules. The committee's recommendations are documented in the approved meeting notes of Feb. 3, 2016, Mar. 1, 2016 and Apr. 5, 2016 posted to DEQ's Hazardous Waste Phase II 2016 Rulemaking [Advisory Committee Webpage](#). Below are the advisory committee's summarized recommendations for each of the proposed rules to adopt as approved in the Apr. 5, 2016 meeting notes:

Wipes rule

The committee supports adopting the rule as it encourages recycling, requires no free liquids, minimizes pollution, and decreases mismanagement.

Reuse - Adopt and allow alternative equivalent wording for labeling.

Disposal – Adopt with amendments to address environmental risk.

Lab rules

Adopt rule with amendment to require submitting the laboratory management plan at time of DEQ notification to Opt-in. Committee supports adopting the Lab rule since it gives eligible academic labs increased flexibility to manage wastes under an alternative and equivalent standard.

Coal rule

Supports adopting rule with no amendments.

Fuel rules

Supports adopting the federal rule withdrawal.

Post closure rule

Supports adopting permit application requirements only and not adopting the remainder parts of the rule as DEQ would not have a need to use it.

NPDES rule

Supports adopting rule with no amendments.

Below are the advisory committee's summarized recommendations as approved in the April 5, 2016, meeting notes for the two rules DEQ is not adopting at this time:

CO2 rule

Supports not adopting since Oregon law currently prohibits injecting hazardous materials into the ground. The committee noted it does not preclude a potential future adoption and does not take a stand on this activity.

2015 Definition of solid waste rule

Mandatory – Adopt with amendments (“immediately” definition; Div. 120 siting & setbacks). The committee did not recommend changing “contained” definition.

Optional – Conditional adoption, only if regulatory structure to regulate. Amendments: legal mechanism to regulate (tool or rule), change to solid waste if required, initial certification of verification at time of notification, annual reporting and on-going combination of recertification/verification and on-site inspections. The committee's preference is to keep oversight under the hazardous waste program.

EQC prior involvement

DEQ did not present additional information specific to this proposed rule revision.

Public notice and hearings ORS 183.335(1); 468.020(2)

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing on Nov. 15, 2016 by:

- Filing notice with the Oregon Secretary of State for publication in the Oregon Bulletin on Nov. 15, 2016,
- Notifying the EPA by email,
- Posting the Notice, Invitation to Comment and Draft Rules on the web page for this rulemaking; located at [Hazardous Waste Phase II Rulemaking](#),
- Emailing 17,658 interested parties on the following DEQ lists through GovDelivery:
 - Resource Conservation and Recovery Act Rulemaking (835 subscribers)
 - Hazardous Waste Generator Annual Report (56)
 - Hazardous Waste Training (6568)
 - Hazardous Waste Permits (2592)
 - Agency Rulemaking (6813)
 - Public Notices (794)
- Emailing the following key legislators required under ORS 183.335:
 - Representative Brad Witt, Chair, House Agriculture and Natural Resources Committee
 - Representative Jessica Vega Pederson, Chair, House Energy and Environment Committee
 - Senator Chris Edwards, Chair, Senate Environment and Natural Resources Sub-Committee
- Emailing advisory committee members,
- Postings on Twitter and Facebook
- Posting on the DEQ event calendar: [DEQ Calendar](#)

Public hearings

DEQ plans to hold one public hearing in Portland. The details are provided below.

DEQ will consider all written comments received at the hearing before completing the draft rules. DEQ will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

Hearing	
Date	Thursday, Dec. 15, 2016
Time	3:00 pm to 6:00 pm

Office	Oregon Department of Environmental Quality
Address	700 NE Multnomah Blvd, Suite 600, 3 rd floor Conference Room
City	Portland
Presiding Officer	Rich Duval
Staff Presenter	Jeannette Acomb
Call-in Phone Number	888-363-4734
Call-in Access Code	1910322

How to comment on the proposed rules:

Submit comment online

[Hazardous Waste Phase II Rulemaking Comment Page](#)

Note for public university students:

ORS 192.501(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon’s public records law. If you are an Oregon public university or OHSU student you may omit your email address when you complete the online form to submit a comment.

By mail

Through 4:00 p.m. Dec. 23, 2016
Oregon DEQ
Attn: Jeannette Acomb
700 NE Multnomah Blvd, Suite 600
Portland, OR 97232

At the hearing

Thursday, Dec. 15, 2016, 3:00 p.m. to 6:00 p.m.
3rd Floor Conference Room
700 NE Multnomah Blvd
Portland, OR 97232

Close of public comment period

The comment period will close at 4:00 p.m. on Friday, Dec. 23, 2016

Accessibility Information

You may review copies of all documents referenced in this announcement at:
Oregon Department of Environmental Quality
700 NE Multnomah Blvd, Ste. 600
Portland, OR, 97232

To schedule a review of all websites and documents referenced in this announcement, call Jeannette Acomb, DEQ Headquarters Hazardous Waste Program 503-229-6303 or call toll-free in Oregon at 800-452-4011; or fax to 503-229-6977.

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ, Portland, at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011; or email to deqinfo@deq.state.or.us. Hearing impaired persons may call 711.

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION 100
HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Management System: General

340-100-0002

Adoption of United States Environmental Protection Agency Hazardous Waste and Used Oil Management Regulations

(1) Except as otherwise modified or specified by OAR 340, divisions 100 to 106, 109, 111, 113, 120, 124 and 142, the Environmental Quality Commission or EQC adopts by reference, and requires every person subject to ORS 466.005 to 466.080 and 466.090 to 466.215, to comply with the rules and regulations governing the management of hazardous waste, including its generation, transportation, treatment, storage, recycling and disposal, as the United States Environmental Protection Agency prescribes in 40 C.F.R. Parts 260 to 268, 270, 273 and Subpart A and Subpart B of Part 124, as enacted through June 30, ~~2014~~2015, except as modified below in sections (2), (3) and (4).

(2) The EQC expressly adopts only 40 C.F.R. 270.14(a) and § 270.28 as amended in adoption of 63 Federal Register 56710 (c174), October 22, 1998.

(3) The ~~EQC Commission~~ excludes from the rules adopted in Section (1) of this rule, and does not adopt by reference, 40 C.F.R. 260.2 and the amendments to 40 C.F.R. Parts 124, 260 to 268, 270 and 273 as enacted at:

(a) 63 Federal Register 56710-56735 (c174), October 22, 1998 (amendments to 40 C.F.R. § 264-265 and § 270(1)(c));

~~(b) 65 Federal Register 30886-30913 (c186), May 15, 2000;~~

~~(c) 69 Federal Register 21737-21754 (c204), April 22, 2004;~~

~~(d) 69 Federal Register 62217-62224 (c204.1), October 25, 2004;~~

~~(e) 73 Federal Register 57-72 (c216), January 2, 2008;~~

~~(f) 73 Federal Register 64668-64788 (c219), October 30, 2008;~~

~~(g) 73 Federal Register 72912-72960 (c220), December 1, 2008;~~

~~(h) 73 Federal Register 77954-78017 (c221), December 19, 2008;~~

~~(i) 75 Federal Register 33712-33724 (c224), June 15, 2010;~~

~~(j) 75 Federal Register 79304-79308 (c226), December 20, 2010;~~

~~(k) 78 Federal Register 46448-46485 (c229), July 31, 2013; and~~

~~(l) 79 Federal Register 350-364 (c230), January 3, 2014; and~~

[\(h\) 80 FR 1694-1814 \(cl 233\), January 13, 2015.](#)

(43) Except as otherwise modified or specified by OAR 340, division 111, the ~~EQC Commission~~ adopts by reference, and requires every person subject to ORS 466.005 to 466.080 and 466.090 to 466.215, to comply with the rules and regulations governing the standards for managing used oil, the United States Environmental Protection Agency prescribes in 40 C.F.R. Part 279, enacted through July 30, 2003.

NOTE COMMENT: ~~The Department or DEQ~~ uses the federal preamble accompanying the federal regulations and federal guidance as a basis for regulatory decision-making.

Stat. Auth.: ORS 465.009, [465.505](#), & 466.020-~~& 465.505~~

Stat. Implemented: ORS 465.003, 465.009, [465.505](#), 466.005, 466.075, & 466.105-~~& 465.505~~

Hist.: DEQ 8-1985, f. & ef. 7-25-85; DEQ 10-1987, f. & ef. 6-11-87; DEQ 23-1987, f. & ef. 12-16-87; DEQ 19-1988, f. & cert. ef. 7-13-88; DEQ 12-1989, f. & cert. ef. 6-12-89; DEQ 4-1991, f. & cert. ef. 3-15-91 (and corrected 6-20-91); DEQ 24-1992, f. 10-23-92, cert. ef. 11-1-92; DEQ 11-1993, f. & cert. ef. 7-29-93; DEQ 6-1994, f. & cert. ef. 3-22-94; DEQ 31-1994(Temp), f. 12-6-94, cert. ef. 12-19-94; DEQ 11-1995, f. & cert. ef. 5-19-95; DEQ 12-1996, f. & cert. ef. 7-31-96; DEQ 14-1997, f. & cert. ef. 7-23-97; DEQ 11-1998, f. & cert. ef. 6-26-98; DEQ 26-1998(Temp), f. & cert. ef. 11-3-98 thru 3-19-99; DEQ 4-1999, f. & cert. ef. 3-19-99; DEQ 10-2000, f. & cert. ef. 7-21-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 13-2002, f. & cert. ef. 10-9-02; DEQ 13-2003, f. & cert. ef. 10-24-03; DEQ 8-2005, f. & cert. ef. 7-14-05; DEQ 2-2009, f. & cert. ef. 6-25-09; DEQ 5-2015, f. & cert. ef. 4-15-15

DIVISION 101 IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

340-101-0004

Exclusions

(1) Residue described in 40 [C.F.R.](#) 261.4(b)(9) is exempted from divisions 100-106 and 109.

(2) Dry cleaning wastewater subject to the requirements in OAR 340 division 124 is not excluded [under](#) 40 [C.F.R.](#) 261.4(a)(1)(i) and (ii).

[\(3\) The phrase “or labeled with equivalent wording describing the contents of the container and recognizing the exclusion” is added to the end of the first sentence in 40 C.F.R. 261.4\(a\)\(26\)\(i\) and 40 C.F.R. 261.4\(b\)\(18\)\(i\).](#)

[\(4\) The phrase “To a municipal solid waste landfill regulated under 40 C.F.R. part 258, including 40 C.F.R. 258.40, or” is deleted from 40 C.F.R. 261.4\(b\)\(18\)\(vi\)\(A\).](#)

[\(5\) The phrase “To a municipal waste combustor or other combustion facility regulated under section 129 of the Clean Air Act or” in 40 C.F.R. 261.4\(b\)\(18\)\(vi\)\(B\) is deleted.](#)

Stat. Auth.: ORS [192](#), [465.009](#), [466.015](#), 466.020, [466.075](#), [466.090](#), & ~~466.180~~, [468.020](#), & [646](#)

Stats. Implemented: ORS ~~466.015~~, [466.075](#), & 466.195

Hist.: DEQ 7-1984, f. & ef. 4-26-84; Superseded by DEQ 8-1985; DEQ 8-1985, f. & ef. 7-25-85; DEQ 6-1994, f. & cert. ef. 3-22-94; DEQ 4-1999, f. & cert. ef. 3-19-99; DEQ 10-2000, f. & cert. ef. 7-21-00; DEQ 13-2003, f. & cert. ef. 10-24-03

DIVISION 102
STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

340-102-0200

Academic Laboratories

(1) The reporting provisions of 40 C.F.R. 262.41 are deleted and replaced by OAR 340-102-0041(2).

(2) The phrase “associated with the container” regulated under 40 C.F.R. 262.206(a)(2), § 262.208(d)(1)(i), § 262.208(d)(2)(i), § 262.210(b)(2), § 262.211(e)(2), § 262.212(e)(2), and § 262.214(a)(1)(ii) is deleted.

(3) A DEQ or EPA Identification Number is required for all academic entities who opt into Subpart K by the provisions of OAR 340-102-0012 replacing the requirements of 40 C.F.R. 262.203(a);

(4) When notifying DEQ as specified by 40 C.F.R. 262.203(a) to opt-in to Subpart K, an eligible academic entity is required to submit their completed Laboratory Management Plan as defined in 40 C.F.R. 262.214.

Stat. Auth.: ORS 183, 192, 459, 465.009, 466.015, 466.020, 466.075, 466.090, 466.105, 466.165, 466.195, 468, & 646

Stats. Implemented: ORS 466.075

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 100

HAZARDOUS WASTE MANAGEMENT

Hazardous Waste Management System: General

340-100-0002

Adoption of United States Environmental Protection Agency Hazardous Waste and Used Oil Management Regulations

(1) Except as otherwise modified or specified by OAR 340, divisions 100 to 106, 109, 111, 113, 120, 124 and 142, the Environmental Quality Commission or EQC adopts by reference, and requires every person subject to ORS 466.005 to 466.080 and 466.090 to 466.215, to comply with the rules and regulations governing the management of hazardous waste, including its generation, transportation, treatment, storage, recycling and disposal, as the United States Environmental Protection Agency prescribes in 40 C.F.R. Parts 260 to 268, 270, 273 and Subpart A and Subpart B of Part 124, as enacted through June 30, 2015, except as modified below in sections (2), (3) and (4).

(2) The EQC expressly adopts only 40 C.F.R. 270.14(a) and § 270.28 as amended in adoption of 63 Federal Register 56710 (c174), October 22, 1998.

(3) The EQC excludes from the rules adopted in Section (1) of this rule, and does not adopt by reference, 40 C.F.R. 260.2 and the amendments to 40 C.F.R. Parts 124, 260 to 268, 270 and 273 as enacted at:

(a) 63 Federal Register 56710-56735 (c174), October 22, 1998 (amendments to 40 C.F.R. § 264-265 and § 270(1)(c));

(b) 69 Federal Register 21737-21754 (c204), April 22, 2004;

(c) 69 Federal Register 62217-62224 (c204.1), October 25, 2004;

(d) 73 Federal Register 57-72 (c216), January 2, 2008;

(e) 73 Federal Register 64668-64788 (c219), October 30, 2008;

(f) 73 Federal Register 77954-78017 (c221), December 19, 2008;

(g) 79 Federal Register 350-364 (c230), January 3, 2014; and

(h) 80 FR 1694-1814 (cl 233), January 13, 2015.

(4) Except as otherwise modified or specified by OAR 340, division 111, the EQC adopts by reference, and requires every person subject to ORS 466.005 to 466.080 and 466.090 to 466.215, to comply with the rules and regulations governing the standards for managing used oil, the United States Environmental Protection Agency prescribes in 40 C.F.R. Part 279, enacted through July 30, 2003.

NOTE: DEQ uses the federal preamble accompanying the federal regulations and federal guidance as a basis for regulatory decision-making.

Stat. Auth.: ORS 465.009, 465.505, & 466.020

Stat. Implemented: ORS 465.003, 465.009, 465.505, 466.005, 466.075, & 466.105

Hist.: DEQ 8-1985, f. & ef. 7-25-85; DEQ 10-1987, f. & ef. 6-11-87; DEQ 23-1987, f. & ef. 12-16-87; DEQ 19-1988, f. & cert. ef. 7-13-88; DEQ 12-1989, f. & cert. ef. 6-12-89; DEQ 4-1991, f. & cert. ef. 3-15-91 (and corrected 6-20-91); DEQ 24-1992, f. 10-23-92, cert. ef. 11-1-92; DEQ 11-1993, f. & cert. ef. 7-29-93; DEQ 6-1994, f. & cert. ef. 3-22-94; DEQ 31-1994(Temp), f. 12-6-94, cert. ef. 12-19-94; DEQ 11-1995, f. & cert. ef. 5-19-95; DEQ 12-1996, f. & cert. ef. 7-31-96; DEQ 14-1997, f. & cert. ef. 7-23-97; DEQ 11-1998, f. & cert. ef. 6-26-98; DEQ 26-1998(Temp), f. & cert. ef. 11-3-98 thru 3-19-99; DEQ 4-1999, f. & cert. ef. 3-19-99; DEQ 10-2000, f. & cert. ef. 7-21-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 13-2002, f. & cert. ef. 10-9-02; DEQ 13-2003, f. & cert. ef. 10-24-03; DEQ 8-2005, f. & cert. ef. 7-14-05; DEQ 2-2009, f. & cert. ef. 6-25-09; DEQ 5-2015, f. & cert. ef. 4-15-15

DIVISION 101 IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

340-101-0004

Exclusions

- (1) Residue described in 40 C.F.R. 261.4(b)(9) is exempted from divisions 100-106 and 109.
- (2) Dry cleaning wastewater subject to the requirements in OAR 340 division 124 is not excluded under 40 C.F.R. 261.4(a)(1)(i) and (ii).
- (3) The phrase “or labeled with equivalent wording describing the contents of the container and recognizing the exclusion” is added to the end of the first sentence in 40 C.F.R. 261.4(a)(26)(i) and 40 C.F.R. 261.4(b)(18)(i).
- (4) The phrase “To a municipal solid waste landfill regulated under 40 C.F.R. part 258, including 40 C.F.R. 258.40, or” is deleted from 40 C.F.R. 261.4(b)(18)(vi)(A).
- (5) The phrase “To a municipal waste combustor or other combustion facility regulated under section 129 of the Clean Air Act or” in 40 C.F.R. 261.4(b)(18)(vi)(B) is deleted.

Stat. Auth.: ORS 192, 465.009, 466.015, 466.020, 466.075, 466.090, 466.180, 468.020, & 646

Stats. Implemented: ORS 466.015, 466.075, & 466.195

Hist.: DEQ 7-1984, f. & ef. 4-26-84; Superseded by DEQ 8-1985; DEQ 8-1985, f. & ef. 7-25-85; DEQ 6-1994, f. & cert. ef. 3-22-94; DEQ 4-1999, f. & cert. ef. 3-19-99; DEQ 10-2000, f. & cert. ef. 7-21-00; DEQ 13-2003, f. & cert. ef. 10-24-03

DIVISION 102 STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

340-102-0200

Academic Laboratories

(1) The reporting provisions of 40 C.F.R. 262.41 are deleted and replaced by OAR 340-102-0041(2).

(2) The phrase “associated with the container” regulated under 40 C.F.R. 262.206(a)(2), § 262.208(d)(1)(i), § 262.208(d)(2)(i), § 262.210(b)(2), § 262.211(e)(2), § 262.212(e)(2), and § 262.214(a)(1)(ii) is deleted.

(3) A DEQ or EPA Identification Number is required for all academic entities who opt into Subpart K by the provisions of OAR 340-102-0012 replacing the requirements of 40 C.F.R. 262.203(a);

(4) When notifying DEQ as specified by 40 C.F.R. 262.203(a) to opt-in to Subpart K, an eligible academic entity is required to submit their completed Laboratory Management Plan as defined in 40 C.F.R. 262.214.

Stat. Auth.: ORS 183, 192, 459, 465.009, 466.015, 466.020, 466.075, 466.090, 466.105, 466.165, 466.195, 468, & 646

Stats. Implemented: ORS 466.075

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